



**Dated: November 7, 2013, 09:59 AM**

**The following is ORDERED:**

*[Handwritten signature]*

Niles Jackson  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT OF THE  
WESTERN DISTRICT OF OKLAHOMA

IN RE:        KELLY DAWN SCHIMMEL,        )  
   )    Case No. 12-10411 NLJ  
   )    Chapter 13  
   )

**ORDER DENYING TRUSTEE'S MOTION TO DISMISS AND MODIFYING CHAPTER 13  
PLAN AND FOR COMPENSATION**

NOW, upon the Motion of the Debtor, Kelly Dawn Schimmel, by and through counsel, James E. Palinkas, to Modify Chapter 13 Plan, and based upon representations of counsel for the debtor:

1. That on or about February 05, 2012, the debtor filed a Chapter 13 petition for relief, which was subsequently confirmed @ 48-months, with a Plan payment of \$395 per month.
2. That the debtor has had a difficult time paying her Plan payments, but that her financial situation has recently improved and she can now commence making a regular Plan payment, plus.
3. That the chapter 13 Trustee filed a Motion to Dismiss alleging that the debtor is more than \$1,100 in arrears and that the debtor does not disagree with that allegation.
4. That the debtor requests that her Plan be modified to suspend her missed plan payments, to treat her as current through August of 2013 and to modify her remaining Plan payments to \$442 per month to accommodate the modification.

5. That the Debtor filed her Motion to Modify on August 26, 2013 and that notice was served on all parties in interest pursuant to Local Bankruptcy Rule 9007, and the last date for filing objections was September 19, 2013, which has passed with no objection thereto being served or filed. Therefore, the motion should be granted.
6. That all other provisions of the confirmed Plan not specifically modified herein shall remain in full force and effect.
7. That Debtor's counsel should be allowed an addition attorney fee of \$500 to accommodate this Modification.

**IT IS THEREFORE ORDERED** that the Debtor shall be allowed to suspend her previously missed Plan payments and be treated as current through August of 2013; that the debtor's Plan payment shall be increased to \$442 per month, beginning with September of 2013 and that Debtor's counsel shall be allowed an additional attorney fee of \$500 for bringing this Motion & Order before the Court. All other provisions of the Plan not specifically modified herein shall remain in full force and effect.

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APPROVED FOR ENTRY

/s/ James E. Palinkas  
JAMES E. PALINKAS, OBA #15037  
Attorney for Debtors  
318 N. Broadway  
Shawnee, OK 74801  
(405) 275-0216  
(405) 275-0286-FAX  
[jim@jepalinkas.com](mailto:jim@jepalinkas.com)

/s/ Linda Ruschenberg  
Linda Ruschenberg, OBA #12842  
Counsel to the chapter 13 Trustee  
P.O. Box 1948  
321 Dean A. McGee AVE  
OKC, OK 73101  
(405) 236-4843  
(405) 236-1004 - FAX  
[13trustee@chp13okc.com](mailto:13trustee@chp13okc.com)